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| 10/762,757 | 01/20/2004 | Masafumi Okigami | 60649 (48882) | 5574 |

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EXAMINER

TRAN, ELLEN C

| ART UNIT | PAPER NUMBER |
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2134

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06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,757

Applicant(s)

OKIGAMI, MASAFUMI

Examiner

Ellen C. Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/762,757.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to: amendment filed original application filed on 20 January 2004 with acknowledgement of the benefit of foreign application Japan 2003/012462 filed 21 January 2003.
2. Claims 1-19 are pending; claims 1, 2, and 3, are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, and 7**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. U.S. Patent No. 6,807,388 (hereinafter Kojima) in view of Nakao et al. U.S. Patent No. 7,216,360 (hereinafter Nakao).

As to independent claim 3, “An unauthorized usage monitoring system for monitoring unauthorized usage of an image processing device, which is configured to be capable of sending and receiving information to and from a monitoring server, comprising: an identification means for identifying a user who requests image processing” is taught in Kojima col. 3, lines 10-46;

“a storage means that is provided in the monitoring server and is capable of storing information in which the user identified by the identification means is associated with at

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least a portion of the image data for which the user requested image processing” is shown in Kojima col. 6, lines 52-59;

the following is not explicitly taught in Kojima: **“and a determination means for determining whether or not to carry out information storage to the storage means; wherein the determination means determines whether or not to carry out information storage to the storage means with an information storage ratio that is set based on a tendency for unauthorized usage of the image processing device corresponding to an environmental condition”** however Nakao teaches that when a new month or year begin the monitoring means resets the count to zero in col. 18, lines 19-25, the resetting of the count is interpreted to be equivalent to the determination of whether to carry out information storage.

It would have been obvious to one of ordinary skill in the art at the time of the invention of a data monitoring system and copying device taught in Kojima to include a means to monitor usage based on environmental conditions. One of ordinary skill in the art would have been motivated to perform such a modification to determine when if office equipment such as printer, copiers, scanner, etc. are placed in an optimum location see Nakao (col. 1, lines 62 et seq.) “Thus, it is difficult to determine whether an OA device is arranged in an optimum location, or whether an optimum number of OA devices have been arranged. Consequently, in such circumstances, it is difficult to enhance the efficiency of office work, and it is difficult to reduce the cost of managing the system”.

As to independent claims 1 and 2, these claims contain substantially similar limitation as independent claim 3; therefore they are rejected along similar rationale.

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As to dependent claim 7, **“wherein the environmental condition for setting the information storage ratio is at least one of a date and a time, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means uses an information storage ratio that is higher for days and times in which “the tendency for unauthorized usage of the image processing device” is higher”** however Nakao teaches that an email is sent to administrator and user when the usage is exceeding limits set by the month or year in col. 18, lines 49-59.

5. **Claims 4 and 8**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. U.S. Patent No. 6,807,388 (hereinafter Kojima) in view of Nakao et al. U.S. Patent No. 7,216,360 (hereinafter Nakao) in further view of Lee et al. U.S. Patent No. 5,475,377 (hereinafter Lee).

As to dependent claim 4, the following is not explicitly taught in Nakao and Kojima: **“wherein the determination means determines whether or not to carry out information storage to the storage means by comparing a set information storage ratio with a random number”** however Lee teaches that operation of the device is allowed if a code or password is received in col. 3, lines 27-37, note a password is an obvious variation of a random number.

It would have been obvious to one of ordinary skill in the art at the time of the invention of a data monitoring system and copying device that includes a means to monitor based on environment conditions taught in Kojima and Nakao to include a monitor based on random number generated. One of ordinary skill in the art would have been motivated to perform such a modification because various types of individual identification apparatus are burdensome to the user see Lee (col. 1, lines 54 et seq,) **“With the conventional push-button system, the user need**

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only to memorize an access number and does not run the risk of losing a key, card, etc. However, with increasing incorporation of more identification systems, more ID numbers become necessary, and thus users are burdened with learning numerous access numbers. Also, operating the identification apparatus requires the cumbersome pressing of buttons to input the access code. Moreover, since the keypad is apt to be in sight of a third party when operating the buttons, an inherent fallacy exists in view of security and safety”.

As to dependent claim 8, this claim incorporates substantially similar subject matter as dependent claim 7; therefore it is rejected along similar rationale.

6. **Claims 5, 9, 11, 13, 15, 17, and 19**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. U.S. Patent No. 6,807,388 (hereinafter Kojima) in view of Nakao et al. U.S. Patent No. 7,216,360 (hereinafter Nakao) in further view of Kahleck et al. U.S. Patent No. 5,673,190 (hereinafter Kahleck).

As to dependent claim 5, the following is not explicitly taught in Nakao and Kojima: **“wherein the environmental condition for setting the information storage ratio is the number of people in a space in which the image processing device is installed, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means uses an information storage ratio that is higher for lower numbers of people in the space in which the image processing device is installed”** however Kahleck teaches the ability to establish limits to users or groups of users in col. 3, lines 46-49.

It would have been obvious to one of ordinary skill in the art at the time of the invention of a data monitoring system and copying device that includes a means to monitor based on environment conditions taught in Kojima and Nakao to include where the number of people in an

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office space determines the monitoring conditions. One of ordinary skill in the art would have been motivated to perform such a modification because prior art system do not control access to the office machines depending of users or group of users see Kahleck (col. 2, lines 31 et seq,) “Still, other types of monitoring systems, such as that taught by U.S. Pat. No. 4,086,434 to Bocchi, entitled Remote Condition Reporting System, describes a family of remote monitoring systems capable of reporting monitored data to a central reporting station at predetermined times and dates, thereby providing for additional operational enhancements beyond those taught by photocopy monitoring systems previously known to those skilled in the art. Although the system taught by the '434 patent offers the capability to extend monitoring systems to a new level of sophistication with the addition of predetermined time and date reporting capability, this system does not overcome other limitations with known systems, including, but not limited to, 1) inability to preestablish limits associated with individual users or groups of individuals to control access to the office machines when limits are reached and 2) inability to remotely monitor and report various office machine preventive maintenance parameters to a central management unit or host, without utilizing specific internally generated office machine firmware stream signals”.

As to dependent claim 9, “wherein the unauthorized usage monitoring system is installed in an office, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means obtains information concerning signing in to and signing out from work at the office, and uses an information storage ratio that is higher for lower numbers of people signed in at the office” however Kahleck teaches the monitor system is based on access control in col. 3, lines 46-49.

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As to dependent claim 11, “wherein the unauthorized usage monitoring system is installed in an office, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means obtains information concerning entering and exiting a room at the office, and uses an information storage ratio that is higher for lower numbers of people present in the office” however Kahleck teaches the monitor system is based on access control in col. 3, lines 46-49.

As to dependent claim 13, “wherein the unauthorized usage monitoring system is connected to an office network, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means obtains information concerning the number of currently operating host machines that are connected to the network, and uses an information storage ratio that is higher for lower numbers of currently operating host machines” however Kahleck teaches the ability to monitor one or more machines in a network in col. 3, lines 32-35.

As to dependent claim 15, “wherein, the determination means obtains information concerning the history of image processing requests to the image processing device by host machines connected to the network, recognizes from the history information the frequency of requests for image processing of currently operating host machines other than the host machine that is requesting image processing, and uses an information storage ratio that is higher for lower frequencies of requests for image processing in determining whether or not to carry out information storage to the storage means” however Kahleck teaches that a predetermined attribute can be monitored from one or more host machines in col. 3, lines 41-44.

As to dependent claim 17, “wherein color imaging or monochrome imaging can be selected in the image processing device, and wherein in determining whether or not to carry out information storage to the storage means, the determination means uses an information storage ratio that is higher for the times of performing color imaging than for the times of performing monochrome imaging” however Kahleck teaches that the color images selected can be monitored in col. 9, lines 54-62.

As to dependent claim 19, “wherein a determination operation is performed in which whether or not to carry out information storage to the storage means is determined using an information storage ratio that is set based on a tendency for unauthorized usage of the image processing device corresponding to an environmental condition, and wherein a storage operation is performed in which information in which a user who requested image processing and at least a portion of the image data for which image processing was requested by that user are associated and stored in the storage means when a determination has been made to carry out information storage to the storage means” however Kahleck teaches that the monitoring features can be altered by commands received from a central management unit.

7. **Claims 6, 10, 12, 14, 16, and 18,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. U.S. Patent No. 6,807,388 (hereinafter Kojima) in view of Nakao et al. U.S. Patent No. 7,216,360 (hereinafter Nakao) in further view of Lee et al. U.S. Patent No. 5,475,377 (hereinafter Lee) in further view of Kahleck et al. U.S. Patent No. 5,673,190 (hereinafter Kahleck).

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As to dependent claim 6, the following is not explicitly taught in Nakao, Kojima, and Lee: **“wherein the environmental condition for setting the information storage ratio is the number of people in a space in which the image processing device is installed, and wherein, in determining whether or not to carry out information storage to the storage means, the determination means uses an information storage ratio that is higher for lower numbers of people in the space in which the image processing device is installed”** however Kahleck teaches the ability to establish limits to users or groups of users in col. 3, lines 46-49.

It would have been obvious to one of ordinary skill in the art at the time of the invention of a data monitoring system and copying device that includes a means to monitor based on environment conditions and random number taught in Kojima, Nakao, and Lee to include where the number of people in an office space determines the monitoring conditions. One of ordinary skill in the art would have been motivated to perform such a modification because prior art system do not control access to the office machines depending of users or group of users see Kahleck (col. 2, lines 31 et seq.) “Still, other types of monitoring systems, such as that taught by U.S. Pat. No. 4,086,434 to Bocchi, entitled Remote Condition Reporting System, describes a family of remote monitoring systems capable of reporting monitored data to a central reporting station at predetermined times and dates, thereby providing for additional operational enhancements beyond those taught by photocopy monitoring systems previously known to those skilled in the art. Although the system taught by the '434 patent offers the capability to extend monitoring systems to a new level of sophistication with the addition of predetermined time and date reporting capability, this system does not overcome other limitations with known systems, including, but not limited to, 1) inability to preestablish limits associated with individual users or

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groups of individuals to control access to the office machines when limits are reached and 2) inability to remotely monitor and report various office machine preventive maintenance parameters to a central management unit or host, without utilizing specific internally generated office machine firmware stream signals”.

As to dependent claims 10, 12, 14, 16, and 18; these claims contain substantially similar subject matter as dependent claims 9, 11, 13, 15, and 17 above; therefore they are rejected along similar rationale.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ellen Tran
Patent Examiner
Technology Center 2134
9 June 2007